UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,775	01/06/2000	Christopher N. Elsbree	ICO-004 (4594/11)	2147

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EXAMINER
JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applicati n N .	Applicant(s)
Office Action Summary	09/478,775	ELSBREE ET AL.
	Examin r	Art Unit
	Thomas J Joseph	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2002* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .   6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hickey et al. (US 5,889,516), Wang et al (US 6,380,959), and Hetherington et al. (US

6,141,005).

Claim 1:

Hickey teaches executing an application on a computer system linked to a

portable terminal (col. 3, lines 1 – 10). Hickey discloses a computer with a first

operating system. Hickey describes a less capable hand held terminal and the more

capable hardwired terminal (fig. 2, #21). The larger memory in the larger computer

contains an operating system with more capabilities. The smaller computer or terminal

is a portable computing device in communication with the larger computer. Hickey

teaches generating on the computer a human-machine interface that is operable on the

said portable computing device (fig. 2, #25). Hickey teaches an application

communicating between the computer and the said portable computing device (col. 2,

lines 1 – 10). Hickey fails to teach a method for generating on the computer a software

object that provides a graphical human-machine interface when operating on the

portable computing device. However, Hickey does allude to the need for such a

download by demonstrating client terminals linked to a main host computer.

Wang teaches a method for generating on the computer a software object that

provides a graphical human-machine interface when operating on the remote computing

device (col. 3, lines 50 – 70). Such a remote computing device can include any

notebook or laptop PC. Further, Wang teaches transferring the software object from the

computer to the portable computing device (col. 3, lines 50 – 70). This downloading

requires some type of transferring of a software object from the host system to the

portable client terminal. The downloading of browser code including the JAVA taught

within Wang involves the downloading of a software object that provides a graphical

human-machine interface that operates on the remote computing device. Wang

demonstrates a client accessing software objects (col. 6, lines 38 – 70). Browser

technology often uses icons although Wang does not emphasize icons. This alludes to

the need for an interface that uses icons for accepting human input. It would have been

obvious to one with ordinary skill in the art at the time of the invention to combine

downloading of software objects taught by Wang with the coupling of portable

computing devices with a host computer disclosed by Hickey. Doing so enables the

users of the said portable computing devices to be less dependent on the main host

computer. This can improve performance because terminal users are less dependent

on the limited resources of the host computer.

Hickey and Wang fail to teach a true graphical user interface but does teach an

interface for accepting human input. Hetherington teaches a GUI for accepting human

input that can be used with client computing devices (fig. 3 – 4b). It would have been

obvious to one with ordinary skill in the art to combine the graphical interface technology

taught by Hickey and Wang with the portable computing system combined with a larger

computer. Doing so gives the user greater flexibility in manipulating screen data. The

user interface taught by Hetherington uses a variety of computer graphics provides

additional icons that give the user greater ability to access more options in a timely

manner (fig. 4a – 4b). Scroll bars, arrows, maximize button, etc. are all examples of

these icons.

Claim 2:

The user interface (UI) taught by Hetherington uses a variety of computer

graphics (fig. 4a – 4b). This said UI provides additional icons that give the user greater

ability to access more options in a timely manner (fig. 4a – 4b). Hickey teaches

generating on the computer a human-machine interface that is operable on the portable

computing device (fig. 2, #25). Claim 1 teaches the rationale combining Hetherington

and Hickey for providing a step for stimulating on the computer the operation of a

graphical human-machine interface on a portable computing device.

Claim 3:

Claim 1 teaches the rationale for operating the graphical human-machine

interface on a portable computing device. Hickey teaches transmitting between the

computer and portable computing device information related to the operation of a

human machine interface (col. 2, lines 45 – 57). A rationale for combining Hickey and

Hetherington to create a graphical human-machine interface is taught by rejected claim

1.

Claim 4:

Hetherington teaches adapting graphical human-machine interface for controlling

at least one process parameter (fig. 5b). Any preference is considered a process

parameter. Neither the claim language nor the description provides provide the meaning

of "at least one process parameter" cited by the Applicant.

Claim 5:

Hetherington teaches operating notebook computers with GUI based operating

systems linked to a server (col. 5, lines 40 – 55). The windows in these operating

systems are the GUIs. These notebook computers comprise at least a generated

graphical human-machine interface operable on the portable computing device, the

graphical human machine interface comprising a processor-independent graphical

human-machine interface object, and a run-time engine specific to a selected processor

present on the portable computing device.

Claim 6:

Hetherington teaches a notebook computer that uses a Microsoft Windows

operating system (col. 5, lines 40 – 55). Hetherington makes reference to using a

version of windows consisting of Windows 95 or later. This operating system can

include Windows CE.

Claim 7:

Hickey teaches use of a handheld computing device (fig. 1; col. 45 – 57).

Claim 8:

Hickey, Wang, and Hetherington teach the rationale of claim 8 in rejected claims

1 and 2.

Claim 9:

Hickey, Wang, and Hetherington teach the rationale of claim 9 in rejected claims

1 and 2.

Claim 10:

Hickey, Wang, and Hetherington teach the rationale of claim 10 in rejected claim

4.

Claim 11:

Hickey, Wang, and Hetherington teach the rationale of claim 11 in rejected claim

5.

Claim 12:

Hickey, Wang, and Hetherington teach the rationale of claim 12 in rejected claim

6.

Claim 13:

Hickey, Wang, and Hetherington teach the rationale of claim 13 in rejected claim

7.

Claim 14:

Hickey, Wang, and Hetherington teach the rationale of claim 14 in rejected claim

1 and 2.

Claim 15:

Hetherington teaches operating the graphical human-machine interface on a

portable computing device for displaying both graphical information and alphanumeric

information (col. 5, lines 40 – 55). Hetherington teaches use of notebook computers

that operate Microsoft Windows. Windows is capable of displaying both graphical

information and alphanumeric information. Hetherington provides examples of

windows that can be displayed on a notebook computer (fig. 4a – 4b). Alphanumeric

information includes the day numbers and month name while the graphical information

includes icons such as arrows and maximization buttons.

Claim 16:

Hickey, Wang, and Hetherington teach the rationale of claim 16 in rejected claim

6.

Claim 17:

Hickey, Wang, and Hetherington teach the rationale of claim 17 in rejected claim

7.

Response to Arguments

3.   Applicant's arguments filed 09/478,775 have been fully considered but they are

not persuasive.

The applicant responds to the objection of claim 4 with the appropriate

amendment. The Examiner therefore withdraws the said objection.

The Applicant responds to the 35 USC 103 rejections of claims 1 – 17 by

amending claims 1 – 5, 8, 11, 14, and 15.

The Applicant responds to the rejection of independent claims 1, 8, and 14. The

Applicant fails to explain or define within the claim language the meaning of software

object. The Examiner considers the argument by the Applicant filed on August 26, 2002.

However, they have been determined to be moot based on new grounds of rejection.

The Applicant responds to the rejection of dependent claims 2 – 7, 9 – 13, and

15 – 17. However, the Applicant fails to provide additional reasoning supporting the

withdrawing of the previous rejection.

Due to at least the above reasons, the rejections of claims 1 – 17 remains

standing.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J Joseph whose telephone number is 703-305-

3917. The examiner can normally be reached Mondays through Fridays from 7:30 am

to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-7239

for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

tjj
October 16, 2002

Kristine Kincaid
KRISTINE KINCAID
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TECHNOLOGY CENTER 2100